

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

WENDY M.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00240

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636. On February 29, 2024, Judge Tinsley submitted his Proposed Findings and Recommendations (“PF&R”), [ECF No. 8], and recommended that the court: (1) **DENY** Claimant’s request to reverse the Commissioner’s decision, [ECF No. 5]; (2) **GRANT** the Commissioner’s request to affirm his decision, [ECF No. 6]; (3) **AFFIRM** the final decision of the Commissioner; and (4) **DISMISS** this action from the court’s docket. Neither party filed objections to the PF&R, which were due by March 18, 2024.

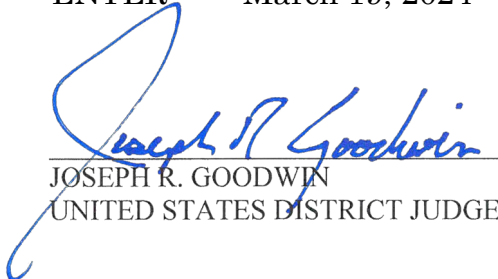
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de

novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R, [ECF No. 8], and orders judgment consistent therewith. As such, the court (1) **DENIES** Claimant's request to reverse the Commissioner's decision, [ECF No. 5]; (2) **GRANTS** the Commissioner's request to affirm his decision, [ECF No. 6]; (3) **AFFIRMS** the final decision of the Commissioner; and (4) **DISMISSES** this civil action from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 19, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE